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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,875	06/30/2000	Stephen J. Tolopka	042390.P6656	9982

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT PAPER NUMBER

2192

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/607,875

Applicant(s)

TOLOPKA, STEPHEN J.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to amendment filed June 6, 2005.
2. Claims 1-3, 5-9, 11-16 and 18-20 are pending.

### ***Response to Amendments***

3. Per Applicants' request, Claims 1, 7 and 14 have been amended.

### ***Response to Argument(s)***

4. Applicant's arguments with respect to claims 1-3, 5-9, 11-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-6 are rejected under 35 U.S.C § 101 because the claimed invention is directed to non-statutory subject matter.

Under the most recent Federal Circuit cases, transformation of data by a machine (e.g., a computer) is statutory subject matter provided the claims recite a "practical application, i.e., 'a useful, concrete and tangible result.'" Emphasis added. State St. Bank & Trust Co. v. Signature Fin. Group, Inc., 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1600-01 (Fed. Cir. 1998).

The Office's interpretation of claims 1-6 is that these claims do not expressly or implicitly require performance of any steps by a machine, such as a general purpose digital computer. Structure will not be read into the claims for the purposes of the

statutory subject matter analysis although the steps might be capable of being performed by a machine.

To overcome the rejection of these claims under 35 U.S.C. § 101, Examiner suggests the modifier – computer-implemented – be inserted before the claimed limitation “method” in the preamble of these claims.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7-11 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,829,053 to Smith et al. (“Smith”).

#### **Claims 1, 7 and 14**

Smith discloses at least:

*identifying a device by a unique identifier stored within the device (see at least 5:12-36);*

*obtaining the unique identifier from the device (see at least 5:12-36); and*

*using the unique identifier in conjunction with a mapping table, wherein the mapping table contains at least a column containing a plurality of unique identifiers of devices coupled to a column containing a plurality of updateable addresses of drivers specific to each device, to obtain an address of a driver for the device, and one or more columns that include additional information about the device, the device driver, or the device and the device driver (see at least FIG. 3 and related*

discussion in the specification; note that Smith does not specifically disclose a table for the mapping operation, however, one skilled in the art knows that relevant information necessary for mapping plug-in operations are stored in a database – see 2:15-17–).

Examiner notes that if the claimed features “**device**” and “**additional information** about the device and the device driver” are further detailed (e.g., what type of devices and which specific additional information) in order to clearly and distinctly distinguished over their counterparts in Smith, the amended claims would be considered for allowance.

#### **Claims 2, 8 and 15**

Smith further discloses that *wherein program instructions obtain the unique identifier* (see at least 4:11-14).

#### **Claims 3, 9 and 16**

Smith further discloses *wherein the driver is obtained from a storage device* (see at least 4:26-34).

#### **Claims 5, 11 and 18**

Smith further discloses *wherein the mapping table address is obtained from the device* (see at least 5:28-30).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

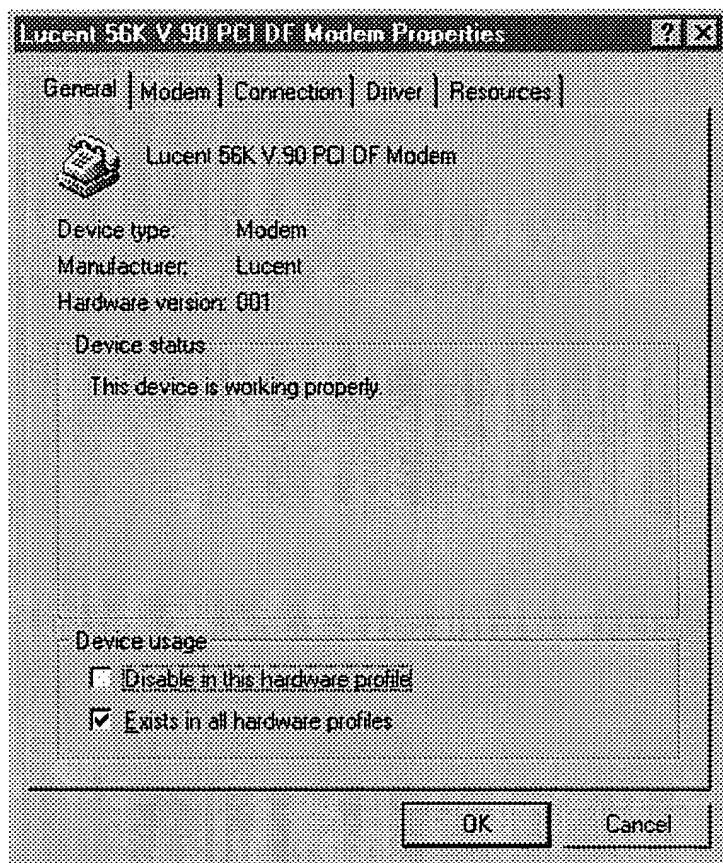
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

### **Claims 13 and 20**

Smith does not specifically disclose that the *unique identifier is represented by one of a manufacturer, a device class, a model number and a subnumber*. However, Official notice is taken that unique device identifier comprising the above information is well known in the art as shown in the following screen shot displayed on any commonly used PC system for diagnostic purposes. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use this capability in Smith for the same diagnostic purposes discussed above.

- a. Click on Start/Settings/Control Panel
- b. Double click on the icon "System"
- c. Select Device Manager tab
- d. Click on the "plus" sign to the left of the icon "Modem" to list all the modems installed on the PC and double click on Lucent 56K
- e. Click on the button "Properties" to display the following screen shot that shows the claimed features of Claims 13 and 20:



11. Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Internet Engineering Task Force ("Task Force"), Simple Service Discovery Protocol/1.0, Operating without an Arbiter, October 29, 1999.

### **Claims 6, 12 and 19**

Smith does not specifically disclose *wherein the mapping table address is obtained by using a service discovery protocol*. However, Task Force discloses a mechanism to allow HTTP clients and Http resources to discover each other in local area network (see at least 2.1 Problem Statement) so that any clients who come on-line after the service came on-line will discover the desired service by sending out a discovery request, thereby making the mechanism more efficient (see at least 2.3.1.3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Simple Service Discovery Protocol in combination with Smith because the feature would make Smith's memory management system more efficient.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 to 17:15.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit 2192

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

July 26, 2005